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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

THE RHODES COMPANIES, LLC,
Aka "Rhodes Homes", et al.,

Reorganized Debtors.¹

Affects:

- ☒ All Debtors
☐ The following Debtor(s)

Case No. BK-09-14814-LBR
(Jointly Administered)

Chapter 11

**OMNIBUS MOTION FOR ORDER
REQUIRING PRODUCTION OF ONE OR
MORE CORPORATE REPRESENTATIVES
FOR EXAMINATION IN ACCORDANCE
WITH FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004**

[No hearing required]

In accordance with Federal Rule of Bankruptcy Procedure 2004, the Litigation Trust of
The Rhodes Companies, LLC, et al. (the "Litigation Trust" or "Movant") hereby moves this
Court for an order requiring that the following professionals:

Alvarez & Marsal North America, LLC
SMS Financial LLC

¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (90206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Ralty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Clubb, LLC (7132); Pinnacle Grading, LLC (4838).

1 (the “Professionals”) produce one or more corporate representatives for examination on a
2 business day no earlier than fourteen (14) business days after the entry of an order granting this
3 Motion, or at such other mutually agreeable location, date, and time, and continuing from day to
4 day thereafter until completed.

5 This Motion is further explained in the following Memorandum.

6 **Memorandum**

7 The Litigation Trust seeks information concerning the Reorganized Debtors and their
8 pre-bankruptcy acts, conduct, property, liabilities and financial condition. Specifically, the
9 Litigation Trust seeks information concerning each Professionals’ relationship to, interactions
10 with, and services provided to the Reorganized Debtors. The Litigation Trust seeks this
11 information from the Professionals to assist in the collection of the assets and the investigation of
12 the liabilities of the Reorganized Debtors.
13

14 The requested discovery from the Professionals is within the scope of examination
15 permitted under Rule 2004, which includes:
16

17 [t]he acts, conduct, or property or . . . the liabilities and financial condition of the
18 debtor, or . . . any matter which may affect the administration of the debtor’s
19 estate, or to the debtor’s right to a discharge. In a . . . reorganization case under
20 chapter 11 of the Code, . . . the examination may also relate to the operation of
any business and the desirability of its continuance, the source of any money or
property acquired or to be acquired by the debtor for purposes of consummating a
plan and the consideration given or offered therefore, and any other matter
relevant to the case or to the formulation of a plan.²

21 **Conclusion**

22 Accordingly, the Litigation Trust requests that this Court enter the form of order
23 submitted with this Motion.
24
25
26

² FED.R. BANKR. P. 2004(b).

Dated: August 30, 2011.

DIAMOND MCCARTHY LLP

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*Local Counsel for the Litigation Trust of
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CERTIFICATE OF SERVICE

I hereby certify that I am employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 30th day of August 2011, a true and correct copy of the foregoing **OMNIBUS MOTION FOR ORDER REQUIRING PRODUCTION OF ONE OR MORE CORPORATE REPRESENTATIVES FOR EXAMINATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004** was served by the Court's CM/ECF system to:

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